

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re: Phythak Rajavong
Phayvanh Rajavong

Debtor.

Case No.: 16-29973-beh

Chapter 13

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Phayvanh and Phythak Rajavong have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

**Clerk of the Bankruptcy Court
517 E. Wisconsin Ave., Room 126
Milwaukee, WI 53202**

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

**Attorney Mark Gauthier
MILLER & MILLER LAW, LLC
735 West Wisconsin Avenue
Suite 600
Milwaukee, Wisconsin 53233**

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

MILLER & MILLER LAW, LLC
735 West Wisconsin Avenue Suite 600
Milwaukee, Wisconsin 53233
(414) 277-7742 (414) 277-1303

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only;)
☐ the holder of an unsecured claim (post-confirmation modifications only;)
Name: _____
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
☐ A. post-confirmation
☒ B. pre-confirmation
☐ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
☒ Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).
The creditors affected are:.
3. The proponent wishes to modify the Chapter 13 Plan to do the following: See section 5..
4. The reason(s) for this modification is/are: To clarify treatment of claim of Exeter Finance at the request of the Chapter 13 Trustee and clarify disbursements to secured creditors post-confirmation.
5. Select A. or B.
☐ A. The Chapter 13 Plan confirmed or modified on _____ is modified as follows:

☒ B. The unconfirmed Chapter 13 Plan dated 10/24/2016 is modified as follows:
 1. The value of the Honda Ridgeline is \$17,580.00. The vehicle is eligible for cram down but the Debtors expect the proof of claim to be \$15,353.21. Thus, the Trustee shall pay the proof of claim, as filed, by Exeter in full together with 5.0% interest as stated in the original plan. Post confirmation, the Trustee shall make equal monthly payments to Exeter in the amount of \$289.00.
 2. Attorneys fees are to be paid at the rate of all available funds at confirmation.
 3. Post-confirmation, Attorneys fees are to be paid at the rate of all available funds after the fixed payments to Exeter. Once attorneys fees have been paid in full, Ditech shall be paid at the rate of all available funds after the fixed payment to Exeter.
 4. "After the secured claim of Ditech is paid, all available funds to priority claims" is hereby removed from the plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Mark A. Gauthier, attorney for debtor(s) Phayvanh and Phythak Rajavong certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

/s/ Mark A. Gauthier
Counsel for the debtor(s)

3/27/2017
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: March 24, 2017 at Milwaukee, WI

Miller & Miller Law, LLC
By: Mark A. Gauthier
State Bar No.: 1077664

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re: Phythak Rajavong
Phayvanh Rajavong

Debtor.

Case No.: 16-29973-beh

Chapter 13

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that on March 27, 2017, a copy of the foregoing Notice and Request to Modify Plan that was filed with the Court and on March 27, 2016, was served electronically or at their proper post office address after their respective names on the following:

1. The Office of the US Trustee and standing Trustee, Mary B. Grossman, by ECF service; and all other parties that are registered to receive service electronically.
2. Exeter Finance Corp., P.O. Box 165028, Irving, TX 75016
3. Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154
4. Phayvanh and Phythak Rajavong, 2828 S. 99th Street, West Allis, WI 53227.

/s/ _____

Mark A. Gauthier
Miller & Miller Law, LLC
735 W. Wisconsin Avenue, Suite 600
Milwaukee, WI 53233-2413
(414) 277-7742/(414) 277-1303 (fax)
mark@millermillerlaw.com